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09/814,182	03/22/2001	Morteza Kalhour	006917.00003	2816

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EXAMINER	
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ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/814,182	KALHOUR, MORTEZA	
	Examiner	Art Unit	
	SHAWKI S. ISMAIL	2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 November 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,7-12,15,18,20-22,24,25,28 and 30-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4,7-12,15,18,20-22,24,25,28 and 30-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/6/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

RESPONSE TO AMENDMENT

1. This communication is responsive to the amendment received on November 06, 2008.

Claims 1, 4, 12, 15, 22, 24-25, and 32 have been amended.

Claims 2-3, 5-6, 13-14, 16-17, 19, 23, 26-27, 29, and 33-34 have been cancelled

Claims 1, 4, 7-12, 15 18, 20-22, 24-25, 28, and 30-32 are pending further examination.

References in applicant's IDS form 1449 received on November 6, 2008 have been considered.

Claim Rejections - 35 USC §103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 1, 4, 7-12, 15 18, 20-22, 24-25, 28, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ozkan et al.**, (hereinafter referred to as Ozkan) U.S. Patent No. **6,115,074** in view of **Klosterman** (hereinafter referred to as Klosterman U.S. Patent Publication **20080134243** and further in view of **Wang** (hereinafter referred to as Wang) U.S. Patent No. **6,675,385**.

3. As to claim 1, 12, 22, and 32 Ozkan teaches a method:

retrieving a set of tuning parameters for a requested one of a plurality of provided services by accessing-a database through one of a plurality of service identifiers (col.5, line 34-

60, Processor 60 gets the tuning parameters including PTC carrier frequency, demodulation characteristics etc…):

the plurality of service identifiers identifying the plurality of provided services, and a plurality of sets of tuning parameters, each of the sets being associated with a respective one of said plurality of service identifiers (col.2, line 65 – col. 3, line 9); and

using said retrieved tuning parameters for tuning said receiver (col.3, lines 30-52, processor 60 uses the selection information provided to appropriately configure the elements of the digital video receiving apparatus),

Ozkan does not explicitly indicate wherein said database comprises at least two identical service identifiers, said at least two identical service identifiers being associated with different network types and wherein retrieving the set of tuning parameters further comprises selecting one of said at least two identical service identifiers in dependence on to which network a receiver is currently tuned.

Klosterman teaches a tuning scheme for coordinating schedule information and programs received from multiple sources. In the preferred embodiment, an identifier associated with the program's channel is used to identify a source device. When a user selects a program listed in displayed schedule information, the system reads the source identifier attached to the program's channel. The system then carries out an automatic switching/tuning such that the required source device is input to the destination device, and a tuner is then tuned to the selected program's channel (see abstract, Fig. 3 and paragraphs 0037-0038).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Klosterman into the invention of Ozkan in order to

facilitate the tuning of multiple sources from different network types. Multiple sources from different networks will certainly contain identical service identifier (but with differing content) in order to be able to store tuning parameters from the different network sources that will be played on the end user device. For example channel 3 might play both cable and satellite, but depending on how the receiver is tuned, the content from either the cable source or satellite source will play to the user. Both network providers and users are able to identify both sources of content with identical identifiers but the receiver will play only the content it is currently tuned in that way automating the tuning of desired channels from plural different network sources and enhancing a user's television watching and interaction experience (refer to Klosterman at paragraph 0042).

Ozkan teaches said database is compiled by a remote terminal (col.4, lines 3-21, Processor 60 assembles he program specific information into multiple hierarchically arranged and interlinked tables.) Ozkan in view of Klosterman do not explicitly teach accessing said database using a web site accessible through the internet and selecting a service identifier by means of a web browser

Wang teaches a EPG database coupled to an EPG Manager which downloads web pages in HTML format from the Internet for inclusion in its group of generated EPG web pages and then forwards them to a data streamer for formatting (col.3, line 56 – col.4, line7). Wang further teaches downloading EPG web pages from the rotating data carousel upon specific demand from the web browser 32 and stored in HTML in work memory 28 (col.4, lines 41-61).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Wang into the systems of Ozkan and Klosterman in order

retrieve a set of tuning parameters through a data network, preferably the internet, because The Internet gives the user the flexibility to get information from around the world in an efficient and timely manner.

4. As to claim 4, 15, and 25, Ozkan teaches the system and methods of claim 1, 12, 22, respectively. Ozkan in view of Klosterman do not explicitly teach wherein the step of compiling said database comprises the additional step of downloading said database an HTML file to said receiver.

Wang teaches a EPG database coupled to an EPG Manager which downloads web pages in HTML format from the internet for inclusion in its group of generated EPG web pages and then forwarded to a data streamer for formatting col.3, line 56 – col.4, line7.)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Wang into the systems of Ozkan and Klosterman in order to compile the database by downloading it as an HTML file to the receiver because HTML is the coded format language used for creating hypertext documents on the World Wide Web and controlling how Web pages appear.

5. As to claim 7, Ozkan teaches the method according to claim 1, wherein using said retrieved tuning parameters comprises the step of transferring said tuning parameters from said database directly to said receiver (col.3, lines 30-52, processor 60 uses the selection information provided to appropriately configure the elements of the digital video receiving apparatus.)

6. As to claim 8, 18 and 28, Ozkan teaches the system and methods of claim 1, 12, 22, respectively, further comprising compiling said database in a Set Top Box (col. 3, lines 10-29, Fig. 1., digital video receiving apparatus.)

7. As to claim 9, Ozkan teaches the system methods of claim 1, 12, 22, respectively, wherein compiling said database comprises performing a channel search (col. 6, lines 11-64.)

8. As to claim 10, 20, and 30, Ozkan teaches the system and methods of claim 1, 12, 22, respectively, wherein said service identifiers relate to a Digital Video Broadcasting system (Abstract, Fig.1, col.1 lines 17-19, and col.2, lines 19-21.)

9. As to claim 11, 21, and 31, Ozkan teaches the system and methods of claim 1, 12, 22, respectively, wherein said set of tuning parameters comprises any of the following items: frequency, forward error correction, symbol rate, and packet identifier (col. 5, lines 56-61, parameters consist of frequency and PID for tuning a receiver.)

Response to Arguments

10. Applicant's amendment and arguments received on September 24, 2007 have been fully considered, however they are not deemed to persuasive. The applicant argues in substance that:

11. Wang fails to teaches accessing the tuning parameters through the internet. Applicant further argues that Wang teaches accessing the EPG database through communication link 12 and not through the internet as is claimed.

The examiner respectfully disagrees. Wang teaches wherein the overall system includes an external EPG database 10, coupled by a secure data link 12 to a CATV headend 16, and a settop box 24 coupled to the CATV headend 16 via a broadband CATV distribution system 22. The headend 16 is also coupled to the Internet 11 via a suitable Internet access connection 13. The external EPG database 10, which consists of basic EPG data, is available from any one of a number of suitable commercial data suppliers, such as TVData, Glen Falls, N.Y. 12801 US. Secure link 12 is typically a dial up telephone line (col. 3, lines 29-40). Secure Link 12 allows

for secure internet communication between the headend and the external EPG database and as such meets the scope of the claimed limitation. Applicant is respectfully advised that, in order to further expedite the prosecution of this application and overcome the cited prior art, applicant should amend the base claims to describe in more narrow detail the true distinguishing features of applicant's claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Shawki S Ismail/
Examiner, Art Unit 2455
January 31, 2009

/saleh najjar/

Supervisory Patent Examiner, Art Unit 2455